

REMARKS

Reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested in view of this amendment and the following reasons. By this amendment, claims 1, 12, and 37 have been amended and claim 5 has been canceled without prejudice or disclaimer. Accordingly, claims 1-4 and 6-41 are pending in this application.

Claim 1 has been amended to incorporate the features of canceled claim 5 and clarify the subject matter. Claims 12 and 37 have been amended to correct certain informalities or clarify the subject matter. It is respectfully submitted that these amendments introduce no new matter within the meaning of 35 U.S.C. §132.

Entry of the Amendment is proper under 37 C.F.R. §1.111 because it (a) places the application in *prima facie* condition for allowance for the reasons discussed herein; and (b) does not raise new issues requiring further search and/or consideration by the Examiner because similar subject matter was previously considered by the Examiner and thus further consideration and/or search by the Examiner is not warranted. For at least these reasons, entry of the present Amendment is therefore respectfully requested. Accordingly, Applicants request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §112

Claims 1-15 and 28-41 stand rejected under 35 U.S.C. §112, first paragraph, as being allegedly failing to comply with the written description requirement. Specifically, the claims contain subject matter which was allegedly not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention (Reasons for rejection, points 1-2).

Claim 5 has been canceled without prejudice or disclaimer and the features thereof have been added to claim 1, thereby rendering the rejection of claim 5 moot.

Applicants respectfully disagree with the Office Action's conclusion above because the specification of the present application clearly provides supports for claims 1-4, 6-15, and 28-41.

Especially, the specification, page 3, lines 21-22 states that “the valve enters a pulsating position having a closed state thereby substantially restricting flow through the system.” Furthermore, throughout the entire application, similar disclosures of the valve assuming a ‘pulsating’ mode is given. In light of this sentence, the term “periodically prohibit fluid flow” can be unambiguously understood.

Furthermore, the term “simultaneously” has been deleted from claims 1 and 12.

Accordingly, the subject matter of claims 1-4, 6-15, and 28-41 is clearly described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. §112, first paragraph rejection of claims 1-4, 6-15, and 28-41.

Claim 37 stands rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner suggested that the term “close” be replaced with -- open -- (Reasons for rejection, points 3-5).

Applicants respectfully note that claim 37 has been amended to replace the term “close” with -- open -- in accordance with the suggestion by the Examiner. Thus, claim 37 is allowable. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §112, second paragraph rejection of claim 37.

Rejections Under 35 U.S.C. §102

Claims 1-29 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by International Patent Application Publication WO/1999/028722 applied for by Jakobsson (“Jakobsson”). Applicants respectfully traverse this rejection for at least the following reasons (Reasons for rejection, points 6-7).

As noted above with regard to the 112 rejection, claim 5 has been canceled without prejudice or disclaimer and the features thereof have been added to claim 1, thereby rendering the rejection of claim 5 moot.

Applicants respectfully note that the specification of the present application, page 3, lines 24-26 discloses the feature, also defined in claim 1, that “where portions of the supply line downstream of the flow meter and devices fitted thereon function as an in line fluid accumulator.” It should be understood that the teachings of present application and Jakobsson are directed to two different arrangements for control of a valve and a minimum threshold.

Jakobsson relies on a shunt piping (18) receiving a parallel flow of water from the supply line in order to determine the threshold for opening and closing the valve. In other words, one is forced to have an additional pipe comprising a separate valve system for monitoring any leakage taking place downstream.

Contrary to Jakobsson’s valve, present application teaches a valve that uses accessories such as the piping itself, which are located downstream of the pressure control valve in order to determine the threshold. This is achieved, *inter alia*, by the elastic properties of the piping downstream of the valve, wherein change in the diameter of the piping eliminates the need for the shunt piping (18) as taught by Jakobsson.

Thus, Jakobsson fails to teach or suggest the valve of claims 1, 12, 16, and 28. Because Jakobsson does not teach or suggest every claimed feature, Jakobsson does not anticipate claims 1, 12, 16, and 28.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §102(b) rejection of claims 1, 12, 16, and 28. Claims 2-4, 6-11, 13-15, 17-27, and 29 depend from claim 1, 12, 16, or 28, and thus, are allowable for at least this reason. Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 1, 12, 16, and 28, and all the claims that depend therefrom, are allowable.

Rejections Under 35 U.S.C. §103

Claims 30-32 and 34-40 stand rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Jakobsson in view of U.S. Patent No. 5,921,276 issued to Lam et al. ("Lam") (Reasons for rejection, points 9-10). Applicants respectfully traverse this rejection for at least the following reasons.

Claims 30-32 and 34-40 depend from claim 28, and Lam fails to cure the deficiencies of Jakobsson noted above with regard to claims 1, 12, 16, and 28. Lam teaches a valve that is intended for high flow rates, and as such is completely irrelevant to the control valve disclosed in the present subject matter, which is adapted to prevent leakage. Thus, Lam fails to teach or suggest the valve as claimed. Hence, claims 30-32 and 34-40 are allowable at least because they depend from an allowable claim 28.

Claim 41 stands rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Jakobsson (Reasons for rejection, point 11).

Claim 41 recites a similar valve to claims 1, 12, 16, and 28, and thus, is allowable over Jakobsson for at least the reason noted above with regard to those claims.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 30-32 and 34-41. Since none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that claims 30-32 and 34-41 are allowable.

Allowable Subject Matter

Applicants appreciate the indication that claim 33 contains allowable subject matter in regard to the prior art of record but stands rejected under 35 U.S.C. §112, first paragraph, as set forth above (Reasons for rejection, point 12).

Applicants respectfully note that claim 33 is allowable even under 35 U.S.C. §112, first paragraph, as noted above.

Accordingly, Applicants submit that claim 33 is in condition for allowance.

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submits that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submit that all pending claims are allowable and that the application is in condition for allowance.

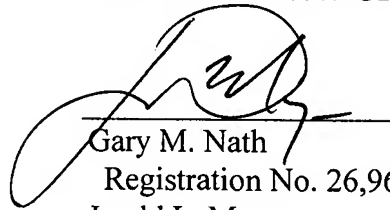
Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

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